TL 6109

East Timor Ballot Process: International Advocacy and the International Solidarity Movement

Comments on Accords, with a view to International Advocacy on East Timor from 9 May Until 8 August.

This draft paper offers brief comments on the most important articles of the Accords. It is written from an activist point of view, with suggestions as to what the International Solidarity Community might do in relation to each of them. I have tried to keep the comments constructive and positive, and explore where there is the maximum room for action. It is clear that the letter of this agreement will be broken over and over again. What we need to agree is what level of divergence from the agreement should be tolerated, beyond which we declare it void. This is not a decision which outside activists ought to make alone. We will therefore look to the East Timorese community, especially those inside East Timor to give us guidance on this. We must bear in mind that no matter how unhappy we may feel with the way this process is unfolding, it may be the only chance the East Timorese have to determine their future. Although we cannot be naive about Indonesian military machinations, we will all be working to our utmost to give the process the maximum support we can muster, and in an effort to countermand these forces. International Civil society working in support of the East Timorese might yet prevail against ABRI!
Catherine Scott, CIIR
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AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND THE PORTUGUESE REPUBLIC ON THE QUESTION OF EAST TIMOR

Article 2
United Nations Mission to East Timor
We would like to see as large a UN presence on the ground as possible as soon as possible. We therefore appeal to UN agencies, especially those with offices in Jakarta and elsewhere in Indonesia, to send in staff, in addition to the UN team immediately concerned with setting up the ballot. Aside from the UN, we should also encourage international civilian observers to make visits to East Timor from now onwards. These could be a mix of some VIPs to gain media profile, but also members of religious congregations, especially those with medical or communications skills, as well as NGO workers, journalists, media experts, etc.

Article 3
There is considerable work to be done in order to achieve 'an atmosphere free of intimidation, violence and interference'. This is where most of our efforts will be concentrated. We should appeal for the following:.
Push for considerable reduction in numbers of the Indonesian army not confined to barracks or removed and the disarmament of the militias.
Ensure that international as well as domestic Indonesian pressure is kept on the Indonesian security forces to stay neutral.
Push for the release of Xanana Gusmao, and allow him and fellow members of the East Timorese Resistance to return to East Timor in safety to campaign freely.
Send as many independent monitors, with the support of the dioceses, including VIPs, as possible, from now until 8thAugust, with some staying on afterwards. Insist that all human rights violations are prosecuted under international legal procedures.

Articles 4,5, 6 & 7
Whatever 'procedures' are initiated after 8 August, there is potential for large scale violence. The UN must develop clear plans now with a view to dealing with this, and disclose what it regards as an 'adequate presence', including levels of arms to be carried in policing.

Article 6
If autonomy is rejected in the ballot, a highly volatile situation could well result. We should seek clarification from the UN as to the security arrangements for this eventuality. Indonesia should then be prepared to take 'the necessary constitutional steps'. We need to know when that will be. The MPR meets in late August. A situation could potentially arise where the MPR refuses to acknowledge the results initiated by an Indonesian administration which the MPR majority deems to have been transitional. All of these unknown factors need to be clarified, but the UN should have plans to deal with the possible power vacuum which could result, with local military or paramilitaries running amok in East Timor.

Security Agreement
Point 1
Whilst we all have well-founded doubts about the TNI being responsible for security and law and order around the ballot, that is the role they are officially playing. We have made our views clear as to what we think about this. From now on, we should concentrate on the following:
Monitoring the accords and ensure that maximum publicity is accorded to every breach of them made by the Indonesian army/militias. This will be painstaking and time consuming, as there are likely to be many breaches. But we will need a clear and internationally verifiable listing, with times, dates, names, etc, as far as is possible.
We need to be clear about exactly what the 'critical mass' of breaches would be to render the vote null & void. We should take the lead from the CNRT in this regard.

Point 2
We should insist that the Commission on Peace and Stability set up in Dili to oversee the process is chaired by the United Nations, not just fully participated in by the UN. Who is supposed to safeguard its implementation: also the UN? The CNRT should be represented on this, preferably by Xanana Gusmao in person.

The accords appear to distinguish between 'laying down of arms' (implying a voluntary gesture) and 'disarmament' which is presumably a desired end result wrought by tough further negotiations. Francesc Vendrell referred in a statement of 10 May to the 'laying down of arms' by early July. So actually, it does not appear as if the paramilitaries are going to be under much pressure at all to lay down their arms immediately still less will anyone 'dis-arm' them. The formulations we have here show how weak the UN's position on security is. The code of conduct mentioned which relates to this point is very important - but how long will it take for it to be agreed, still less acted upon?

Point 3
We should have our own views, hopefully reached by consensus and guidance from the East Timorese on the ground, as to the security situation in East Timor prior to the announcement of the UN SG so that we can make them known publicly beforehand.

Point 4
We should lobby against the Indonesian government being allowed to dress soldiers up in police uniforms. This is a real danger! The military could certainly interpret 'redeployment' as meaning this! Wiranto has apparently publicly mentioned this possibility. In Australia a Darwin based

Timorese group have offered their services to accompany police as intermediaries (language skills, etc). They are Australian citizens, but do ask to be able to vote, whilst refraining from any political campaigning. Their offer has not been responded to so far.
We should lobby for more rather than less foreign police observers, and make immediate approaches to our foreign ministries (those countries which will be supplying them) to offer our services to brief them properly.

Modalities for popular Consultation of the East Timorese People through direct ballot

Preamble
'Adequate' UN personnel. We must consult closely with partners on the ground as to whether adequate UN staffing is being provided or not, and call for more if there is need.

Point B
We should consult with East Timorese partners as to how the East Timorese population can be adequately prepared to deal with the question put to them on the ballot paper: whether or not confusion is likely, if it is, how this can be addressed and what symbols would be most appropriate for the illiterate.

Point C
What is the definition of 'spouse' to be used here? How long should people have been married to an East Timorese ? What about the issue of inter-marital coercion (either way) - a gender issue which might also need raising! What if Indonesian soldiers try to coerce East Timorese into marriage in order to get a vote?

Point D: Schedule

Re Operational planning/Deployment
This period overlaps with the Indonesian elections on 7 June which could completely disrupt everything. It may be necessary to say something about people's right not to vote being fully respected.

Points E: Operational Phases
Public Information Programme & Voter Education 10 May - 5 August
This is a time period which will need close monitoring by the international solidarity movement in collaboration with East Timorese partners and as many as possible international observers on the ground.

Clearly the scene has already been set for interference: the newspaper office has been wrecked and the *Suara Timor Timur* has already been intimidated. Intimidation around voting, with people being forced to sign pledges to vote for autonomy, threats of losing their jobs, as well as physical violence have already compromised the army and militia's role. Now that we are within the time period, every act of intimidation should be documented and given to the UN by East Timorese monitoring groups working in tandem and supported by International Human Rights groups and NGOs. In addition, international media publicity should be given to such abuses. The UN is supposed to explain the agreement: it should be allowed to do its work. Newspapers and Radio and TV media should only be used by the UN in the dissemination of neutral information about the ballot.

The UN will be making available texts in Bahasa, Tetum, Portuguese and English. We should be aware of checking translations to make sure that they are accurate.

b): Registration 13 June - 17 July

This is one of the key moments when the most electoral malpractise takes place. It is therefore really important to move in international observers, preferably with previous experience in this activity, to monitor procedures, and to watch out for fraud. Monitors who have served in recent elections: Cambodia, South Africa, Namibia, etc should be recruited and sent in as swiftly as possible. This will require coordination with East Timorese partners inside East Timor, as well as cooperation internationally.

Thorough and complete coverage for list inspection will also need to be set up in collaboration with local East Timorese. Security aspects around this will need to be considered. Again, list irregularities will need reporting to the UN, and if appropriate, international exposure.

There is no provision so far for a voter registration centre for East Timorese living in the UK. We recommend that a centre is set up in London, preferably on UN property.

c): Campaigning

Obviously any campaigning will provide opportunities for repeated clashes. The Indonesian elections in June will provide an insight into what might be in store - only worse. Will there be coercion then by the army and paramilitaries? Quite likely. Will decisions made by East Timorese not to vote be respected? We should try to assess what difference, if any, we think the UN & international presence already there will make, as again this will prepare us in some measure for July.

The major campaigning point for international supporters is that Xanana Gusmao must be released so that he can go home to East Timor to campaign. Obviously he would be in severe danger of being killed, and part of his release agreement should include guarantees of safety from the Indonesian armed forces, and international police protection provided by the UN. But he would rally opinion, and that is presumably why the Indonesian government is refusing to let him out of prison 'for his own safety'.

However, we should also campaign for the release of remaining political prisoners, so that they can go home to vote.

Code of Conduct (For Campaigning)

When this is made public by the United Nations, we should give it international publicity so that breaches of it can be highlighted.

Officials of the governments of Portugal and Indonesia will not participate in the campaign in support of either option

That will include Indonesian soldiers, police, etc. This is likely to be breached every minute of every day the campaign goes on. We should expose it.

It could be argued that Abilio Soares has already had recourse to public funds to ram home his opposition to the ballot. Soares and other government servants will now need close monitoring, and if they appear to have disproportionate resources in their personal campaigning work, this should be pointed out to the UN, and he should be internationally exposed.

Balloting in East Timor

If there are to be 700 polling stations, it would be desirable to have at least 1400 observers in East Timor, although this may be unrealistic from a logistical point of view. We will need to keep abreast of agreements on numbers, and press the UN to allow more, if need by. 700 should be the minimum however.

F. Observers & Monitors

Numbers are not suggested for Indonesian and Portuguese observers. Given that in all likelihood the vast majority of Portuguese observers will be biassed in favour of independence whilst the vast majority of Indonesian observers will be in favour of autonomy, we should be aware of the friction which might arise between these two groups in a highly charged atmosphere. It would be terrible if the tension was amplified by a foreign presence designed to defuse it.

As far as other international observers are concerned, we should all keep in contact with our governments as to how many extra observers we can channel in to monitor, both officially and unofficially. We need to obtain the terms of reference for the international observers from the UN.

Security

Well we know that this is the most farcical part of the agreement. But the agreement states that the Indonesian authorities will ensure a secure environment for a free and fair popular consultation process. So we have to expose every instance where they are not doing so. This will be a full time job for many of us. Again, we have to be clear about exactly what level of insecurity can be reached beyond which the vote will be jeopardised. Again, we must take our cue from the East Timorese, and prepare early for effective, rapid communication of verified incidents. Good communication systems and networks with a reserve of reputable journalists willing to report information will be essential. Numbers have not yet been given as to how many international civilian police will be deployed. But it will be important for international solidarity groups, especially in Australia, Japan, the US, Britain, Germany and the Philippines to contact their governments and arrange proper briefings for police assigned to East Timor. Language skills will be a huge asset - presumably most likely to be found among Australian police. But thought needs to be given now to how police might be sent on short intensive language training courses.

Security for UN personnel will be crucial, not because the lives of foreigners are more precious than those of Timorese, but because killing a UN official would become a big international issue. Not only that, but it could derail the whole UN process. It is possible that the paramilitaries might stage a killing of a UN official and set it up in such a way as to be able to blame Falintil.

Separate Memorandum on Security, dated 4 May

This separate agreement is not supposedly a public document, although it seems to have had a wide distribution already. In it, the UN SG makes clear his requirements for the Indonesian security arrangements.

1) as an urgent first step, the bringing of armed civilian groups under strict control and discipline;

Since these have been created by the army in the first place, it will be interesting to see whether there is even a pretence of this happening. We have been bombarded with examples of army officers encouraging these groups to carry on their murderous campaigns. Now that the accords are signed, we need to keep a documented record of every time the armed forces overtly encourage or otherwise covertly support them.

The language here does not even mention 'laying down arms' let alone disarming. This should be highlighted, drawing attention to Vendrell's comments mentioned elsewhere in this document about 'laying down of arms by early July'.

2) an immediate ban on rallies by armed groups while ensuring the freedom of all political groups and tendencies, including both pro-integration elements and also the CNRT and other pro-independence forces, to organise and conduct peaceful political activities;

Since the accords were signed on 5 May, we have reports of at least four killings for politically motivated reasons. This figure increases daily. Xanana Gusmao, as mentioned before, should be allowed to return home to campaign.

3) *the prompt arrest and prosecution of those who incite or threaten to use violence against others. In this connection, it has been noted with concern that public threats have already been issued to the United Nations by certain individuals;*

Although militia leaders such as Eurico Guterres, Jose Tavares and Cancio Cavalho have openly incited armed groups to murder, they seem to have been given the freedom of East Timor by the authorities to conduct themselves with impunity. They have not even been reprimanded, let alone prosecuted. The international solidarity community should now exert pressure on the Indonesian authorities to bring these people, under the terms of the UN agreement, to justice. All perpetrators of human rights violations should now be submitted to proper legal procedures.

4) Assumption by the Indonesian police of sole responsibility for the maintenance of law and order.

We need to establish who will constitute the Indonesian police force. To what extent will it be expanded by the simple redeployment of Indonesian soldiers issued with new uniforms? How will the Indonesian army be limited in their activity? Will some battalions be sent out of Timor? Will the police include Brimob?

5) Redeployment of Indonesian military forces;

This should not mean redeploying the military into the police, but instead, a reduction and withdrawal of the army, monitored by independent observers.

6 Free access to the mass media for the United Nations as well as both sides of the political divide in East Timor;

We need to establish how will this be managed and by whom. Who will monitor and what are the procedures? How will state media operating from outside Timor be influenced? How can local radio stations be exempted from coercion? Can the Catholic Radio Station (Radio Kmanek) be of assistance here?

7) Full participation of the United Nations in the Commission on Peace and Stability, which should provide a forum for all parties to address and resolve effectively issues relating to compliance with the agreement during the consultative process and for resolving disputes and frictions on the ground; and

The UN should not just fully participate, it should chair the commission. [Or an Ombudsman figure of international stature: some disputes may involve UN personnel.]

8) *the immediate institution of a process of laying down of arms by all armed groups, to be completed well in advance of the holding of the ballot.*

The latest news on this (10 May) is a comment by Francesc Vendrell that armed groups must lay down their arms by early July. This is already a revision of the agreement. What use is this if the whole of the first part of the process, including the major part of the crucial voter registration period is taking place in an armed atmosphere?

Here the wording is no longer about 'armed civilian groups' as it is in point 1) above. Presumably this therefore includes Falintil. But what about the TNI? The UN would not refer to them as 'armed groups' so they are excluded by this wording. This must be highlighted.